IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 252 OF 2005

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri C.A. Joshi, Advocate for the petitioners.
Shri J.J. Chandurkar, Advocate for the respondent Nos.1,3,5,6 & 7.

CORAM : B.R. GAVAI, J.
07TH OCTOBER, 2006

By way of present petition, the petitioners challenge the order dated 21.10.2004 passed by the learned Joint District Judge, Amravati in Regular Civil Appeal No. 12 of 2003 thereby allowing the application of the appellant before the appellate Court for production of additional evidence.

By way of the said application, the document regarding valuation of the suit property by the Government Valuer was sought to be brought on record. The same has been allowed by the impugned order.

Shri C.A. Joshi, the learned Counsel appearing on behalf of the petitioners submits that the learned appellate Court has grossly erred in allowing the application. He submits that in the trial Court, there was already a valuation report on record on the basis of

inspection by the Court Commissioner one Shri Tiwaskar. He, therefore, submits that the application was made only to prolong hearing of the appeal.

Shri J.J. Chandurkar, the learned Counsel appearing on behalf of the respondents supports the impugned order.

Perusal of the impugned order would reveal that the learned trial Court has found that the valuation approved by the Government Valuer would enable the Court to pronounce the judgment.

In that view of the matter, no infirmity could be found with the approach adopted by the learned trial Court. Hence, rejected.

JUDGE

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